



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 01-07-03 (Per mgd)



☐ ☒ The drafting file for 2001 LRB _____ has been
Done
transferred to the drafting file for 2003 LRB _____
mgd

☒ This cover sheet, the final request sheet, and the final version of the 2001 draft were copied on yellow paper, and returned to the original 2001 drafting file.

☒ For research purposes, because the attached 2001 draft was incorporated into a new 2003 draft, this cover sheet and the complete drafting file was transferred, as a separate appendix, to the 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☐ ☒ The drafting file for 2003 LRB 0128 has been
copied/added to the drafting file for 2003 LRB 0658

☒ For research purposes, because the attached 2003 draft was incorporated into another 2003 draft, the attached drafting file was copied on yellow paper (darkened/auto centered/reduced to 90%), and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☒ This cover sheet was copied on yellow paper and added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0128/1

MGD:jld:rs

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D Note

2003 BILL

from

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1 AN ACT *to renumber and amend* 29.091, 29.621 (4), 941.23 and 941.235 (2); *to*
2 *amend* 23.33 (3) (e), 25.29 (1) (a), 29.089 (2), 165.82 (2) and 440.26 (3m); and
3 *to create* 20.370 (5) (csr), 20.455 (2) (gp), 29.091 (2), 29.594, 29.621 (4) (b), 59.25
4 (3) (u), 167.31 (4) (ar), 175.50, 941.23 (1) (a), 941.23 (1) (b), 941.23 (2), 941.235
5 (2) (c), 941.237 (3) (ct), 941.295 (2) (bm), 946.32 (3), 948.605 (2) (c) and 948.61
6 (3m) of the statutes; **relating to:** licenses to carry a concealed weapon,
7 requiring the exercise of rule-making authority, making appropriations, and
8 providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, no person other than a peace officer may carry a concealed and dangerous weapon. A person who violates this prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. In addition, current law prohibits, with certain exceptions, carrying a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge, or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. A person who violates one of these prohibitions is subject to civil or criminal penalties.

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This bill creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon. The license authorizes a person to carry a concealed weapon anywhere in this state except in particular places specified under the bill. These specified places include a police station, a sheriff's office, a state patrol station, a prison, a jail, a tavern, (unless the person owns or manages the tavern or is otherwise authorized to possess a handgun there), a school administration building, an airport, and any place in which the carrying of a weapon is prohibited by federal law. The bill also exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to possess a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: his or her residence, his or her place of employment or business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds. At the same time, the bill lowers the penalty for licensees carrying handguns in a school zone or on school grounds or carrying electric weapons, tear gas guns, knives, or billy clubs on school grounds.

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless the county board of the sheriff's county decides by a two-thirds vote, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy in order to qualify for a license to carry a concealed weapon. Included among the requirements that a person must satisfy are the following: 1) he or she must be at least 21 years old; 2) he or she does not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil mental commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed one of several specified firearms training or safety courses; 9) he or she must not have been subject to a finding of incompetency, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors involving violence

:1)

NO

at the tavern; or 3) the sale of alcohol accounts for no more than 50% of the tavern's receipts

2) the person

NO defined under the bill as a handgun, a stun gun, a tear gas gun, a knife other than a switchblade, or a billy club

classes

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or serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident. In addition, the bill requires a sheriff to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

In addition, the bill does all of the following:

1. Allows a sheriff to issue an emergency license to an individual if the sheriff determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years and establishes a renewal procedure that includes a background check of the person renewing the license.

3. Requires a sheriff to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

4. Requires a sheriff to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

5. Provides that a person whose application for a license is denied or whose license is suspended or revoked by the sheriff may appeal the sheriff's action to circuit court for review by a judge.

6. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires the Department of Justice (DOJ) to design the form of the license and the license application and renewal forms.

7. Requires the sheriff to provide information to DOJ concerning a person licensed to carry a concealed weapon, and requires DOJ to keep a computerized list of persons licensed to carry a concealed weapon. The list kept by DOJ is available only to law enforcement agencies in certain specified circumstances.

8. Requires the clerk of each court to notify the sheriff of court proceedings that would require suspension or revocation of a license.

9. Requires each licensee to notify the sheriff within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

11 ~~10~~. Requires a person who applies for a license to carry a concealed weapon to pay a shooting range improvement fee, which is to be used by the Department of Natural Resources to provide grants for the construction and improvement of shooting ranges.

12 ~~11~~. Requires a person who applies for a license to carry a concealed weapon to pay a law enforcement excellence fund fee, which is to be used by the sheriff to improve law enforcement services in his or her county.

14 ~~12~~. Treats a license or permit issued by another state in the same manner as a license issued under this bill.

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The bill also establishes the following penalties for offenses relating to licenses to carry a concealed weapon. First, a person who fails to carry his or her license document while carrying a concealed weapon may be required to forfeit \$25. Second, a person who is licensed to carry a concealed weapon and who carries a concealed weapon in a place where the license does not authorize him or her to do so may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, a person who does any of the following shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months: 1) intentionally makes a false statement in an application for a license; 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days after being charged; or 3) intentionally fails to relinquish a license document to a sheriff after the license has been revoked.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (5) (csr) of the statutes is created to read:

2 20.370 (5) (csr) *Recreation aids — grants for shooting ranges.* All moneys
3 received from the shooting range improvement fee under s. 175.50 (7) (bp) and (15)
4 (b) 4. c. for the purpose of making grants and administering the grant program under
5 s. 29.594.

6 **SECTION 2.** 20.455 (2) (gp) of the statutes is created to read:

7 20.455 (2) (gp) *Concealed weapons licenses background check.* All moneys
8 received as fee payments under s. 175.50 (7) (bh) and (15) (b) 4. b. to provide services
9 under s. 175.50.

10 **SECTION 3.** 23.33 (3) (e) of the statutes is amended to read:

11 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
12 enclosed in a carrying case, ~~or.~~ This paragraph does not apply to the possession of

BILL

1 a handgun, as defined in s. 175.35 (1) (b), by a person who holds a valid license to
2 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
3 defined in s. 175.50 (1) (g).

4 (em) With any bow unless it is unstrung or enclosed in a carrying case.

5 **SECTION 4.** 25.29 (1) (a) of the statutes is amended to read:

6 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
7 to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350,
8 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50
9 to 30.55, 70.58, 71.10 (5), 71.30 (10), and 90.21, and 175.50 (7) (bp) and (15) (b) 4. c.,
10 including grants received from the federal government or any of its agencies except
11 as otherwise provided by law.

12 **SECTION 5.** 29.089 (2) of the statutes is amended to read:

13 29.089 (2) Except as provided in sub. (3), no person may have in his or her
14 possession or under his or her control a firearm on land located in state parks or state
15 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
16 This subsection does not apply to the possession of a handgun, as defined in s. 175.35
17 (1) (b), by a person who holds a valid license to carry a concealed weapon issued under
18 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

19 **SECTION 6.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
20 read:

21 29.091 (1) No person may hunt or trap within any wildlife refuge established
22 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
23 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
24 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
25 within a carrying case. The taking of predatory game birds and animals shall be done

BILL**SECTION 6**

1 as the department directs. All state wildlife refuge boundary lines shall be marked
2 by posts placed at intervals of not over 500 feet and bearing signs with the words
3 “Wisconsin Wildlife Refuge”.

4 **SECTION 7.** 29.091 (2) of the statutes is created to read:

5 29.091 (2) The prohibition of the possession or control of a loaded or unencased
6 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
7 in s. 175.345 (1) (b), by a person who holds a valid license to carry a concealed weapon
8 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

9 **SECTION 8.** 29.594 of the statutes is created to read:

10 **29.594 Grants for shooting ranges.** (1) The department ^{shall} ~~may~~ award grants
11 to persons for construction or improvement of shooting ranges. A grant awarded
12 under this section shall be paid from the appropriation account under s. 20.370 (5)
13 (csr).

14 (2) A grant awarded under this section may be for up to 50% of the cost of the
15 construction or improvement of the shooting range. A grant awarded under this
16 section may not be used to pay for any of the following:

17 (a) The construction of clubhouses and facilities that are not essential to the
18 operation of the shooting range.

19 (b) The operation and maintenance of the shooting range.

20 (3) In order to receive a grant under this section, the person creating or
21 improving a shooting range shall agree to provide, for a fee of not more than \$20, a
22 firearm safety course ^{or class} that will qualify an individual to satisfy the requirements
23 under s. 175.50 (3) (h) for a license to carry a concealed weapon. ✓ ^{to a particular}
^{applicant}

24 (4) In determining whether to make a grant under this section, the department
25 shall consider the potential of the project to meet the needs of firearm safety courses

✓ or classes

BILL

1 in the area served by the shooting range relative to the proposed cost of the
2 construction or improvement.

3 (5) The department shall promulgate rules establishing a procedure for
4 applying for grants under this section.

5 **SECTION 9.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
6 to read:

7 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
8 and no other person, may hunt or trap within the boundaries of any wildlife refuge
9 or, except as provided in par. (b), have in his or her possession or under his or her
10 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
11 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or
12 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
13 prevent or interfere with the department in the destruction of injurious animals.

14 **SECTION 10.** 29.621 (4) (b) of the statutes is created to read:

15 29.621 (4) (b) The prohibition of the possession or control of a loaded or
16 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
17 as defined in s. 175.35 (1) (b), by a person who holds a valid license to carry a
18 concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in
19 s. 175.50 (1) (g).

20 **SECTION 11.** 59.25 (3) (u) of the statutes is created to read:

21 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
22 deposit all moneys received under s. 175.50 (7) (bd), (13), and (15) (b) 4. a. and (d) 1.
23 in the general fund of the county.

BILL**SECTION 11**

1 2. Forward all moneys received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
2 state treasurer for payment of firearms restrictions record searches conducted under
3 s. 175.50 (9g) at the request of the county's sheriff.

4 3. Forward all moneys received under s. 175.50 (7) (bp) and (15) (b) 4. c. to the
5 state treasurer for deposit in the conservation fund to be credited to the
6 appropriation account under s. 20.370 (5) (csr).

7 4. Subject to the terms of an agreement under s. 175.50 (2) (c), deposit all
8 moneys received from payments made under s. 175.50 (7) (bt) and (15) (b) 4. d. in the
9 law enforcement excellence fund established under s. 175.50 (20) and make
10 payments from the fund for the purposes of s. 175.50 (20) (b).

11 **SECTION 12.** 165.82 (2) of the statutes is amended to read:

12 165.82 (2) Except as provided in ~~s.~~ ss. 175.35 and 175.50, the department of
13 justice shall not impose fees for criminal history searches for purposes related to
14 criminal justice.

15 **SECTION 13.** 167.31 (4) (ar) of the statutes is created to read:

16 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
17 to the placement, possession, transportation, or loading of a handgun, as defined in
18 s. 175.35 (1) (b), by a person who holds a valid license to carry a concealed weapon
19 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

20 **SECTION 14.** 175.50 of the statutes is created to read:

21 **175.50 License to a carry concealed weapon. (1) DEFINITIONS.** In this
22 section:

23 (a) "Department" means the department of justice.

24 (am) "Drunk driving offense" means any of the following:

25 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

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1 2. A violation of a law of a federally recognized American Indian tribe or band
2 in this state in conformity with s. 346.63.

3 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
4 that prohibits use of a motor vehicle while intoxicated, while under the influence of
5 a controlled substance, a controlled substance analog, or a combination thereof, with
6 an excess or specified range of alcohol concentration, or while under the influence of
7 any drug to a degree that renders the person incapable of safely driving, as those or
8 substantially similar terms are used in that jurisdiction's laws.

9 (b) "Firearms restrictions record search" has the meaning given in s. 175.35 (1)
10 (at).

11 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

12 (d) "Licensee" means an individual holding a valid license to carry a concealed
13 weapon issued under this section.

14 (e) "Misdemeanor crime of violence" means any of the following:

15 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
16 of s. 947.01.

17 2. A crime under federal law or the law of another state that is comparable to
18 a crime described in subd. 1.

19 (f) "Out-of-state authorization" means a valid permit or a valid license issued
20 by another state documenting that a person is authorized under the law of that state
21 to carry a concealed weapon in that state.

22 (g) "Out-of-state licensee" means an individual who has been issued an
23 out-of-state authorization and who is not prohibited from possessing a firearm
24 under s. 941.29 or from possessing a firearm that has been transported in interstate
25 or foreign commerce under federal law.

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BILL**SECTION 14**

1 (h) “Weapon” means a handgun, as defined in s. 175.35 (1) (b), an electric
2 weapon, as defined in s. 941.295 (4), a tear gas gun, a knife other than a switchblade
3 knife under s. 941.24, or a billy club. “Weapon” does not include a machine gun, as
4 defined in s. 941.27 (1), a short-barreled rifle, as defined in s. 941.28 (1) (b), or a
5 short-barreled shotgun, as defined in s. 941.28 (1) (c).

6 (2) ISSUANCE OF LICENSE. (a) Except as provided in pars. (b) 1. and (c), each
7 county, through its sheriff, shall issue licenses to carry a concealed weapon to an
8 individual who meets the qualifications specified in sub. (3) and who completes the
9 application process specified in sub. (7). A license to carry a concealed weapon issued
10 under this section shall meet the requirements specified in sub. (2m). ✓

11 (b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed
12 weapon under this section if, before the first day of the 4th month beginning after the
13 effective date of this subdivision [revisor inserts date], all of the following occur:

14 a. The sheriff requests the county board of the sheriff’s county to authorize him
15 or her to decline to issue licenses to carry a concealed weapon under this section.

16 b. After receiving a request from the sheriff under subd. 1. a., the county board
17 of the sheriff’s county grants the sheriff’s request by a two-thirds vote of all the
18 members of the board.

19 2. At any time the county board of the sheriff’s county may rescind the
20 authorization it grants under subd. 1. by a two-thirds vote of all members of the
21 county board.

22 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
23 to them and discharge duties imposed on them under this section. An agreement for
24 joint issuance of licenses to carry a concealed weapon under this section may be
25 entered into at any time and shall satisfy all of the following criteria:

BILL

- 1 1. The agreement shall be in writing.
- 2 2. The agreement shall be approved by the county board of the county of each
- 3 sheriff who is a party to the agreement.
- 4 2m. The agreement shall specify how the powers and duties that are the subject
- 5 of the agreement are to be allocated among the sheriffs that are parties to the
- 6 agreement.
- 7 3. The agreement shall specify how costs incurred and moneys received under
- 8 this section shall be apportioned among the sheriffs who are a party to the agreement
- 9 and their respective counties.
- 10 4. The agreement shall designate one county to be identified as the county of
- 11 issuance.
- 12 5. If a sheriff who is party to an agreement has issued licenses under this
- 13 section before entering into the agreement, the agreement shall provide for the
- 14 renewal of any licenses that were issued by that sheriff before he or she entered into
- 15 the agreement.
- 16 **(2g)** CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE OR
- 17 AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
- 18 weapon anywhere in this state except as provided under sub. (16) or s. 941.20 (1) (b).
- 19 (b) A licensee shall carry his or her license and an out-of-state licensee shall
- 20 carry his or her out-of-state authorization at all times during which he or she is
- 21 carrying a concealed weapon.
- 22 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
- 23 her license and an out-of-state licensee shall display his or her out-of-state
- 24 authorization to a law enforcement officer upon the request of the law enforcement
- 25 officer.

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SECTION 14

(2m) LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and (d), the department shall design ^{a single} the license document for licenses issued and renewed under this section. The department shall complete the design of the license document no later than the first day of the 4th month beginning after the effective date of this paragraph ... [revisor inserts date], and shall distribute the design for the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the sheriff to use for licenses that he or she issues under this section.

~~(am)~~ The department shall establish a unique code number for each county of this state for use as a prefix to the identification number required under par. (c) 8.

^{license document for a} (b) A license issued under this section shall ^{contain all of} be a single document, with the following information specified in par. (c) appearing on one side.

~~(c)~~ One side of the license document shall include all of the following:

1. The full name, date of birth, and residence address of the licensee.
2. A color photograph of the licensee.
3. A physical description of the licensee, including gender, height, weight, and hair and eye color.
4. The date on which the license was issued.
5. The date on which the license expires.
6. The name of this state.
7. The name of the county that issues the license.
8. A unique identification number for each licensee that begins with ^{a unique} the code number, ^{which shall establish} established by the department under par. (am), for the county listed in subd.

7.

(d) A license document issued under this section shall be, to the maximum extent possible, tamper proof and shall be produced using the same or similar

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1 equipment used by the department of transportation to produce an operator's license
2 under s. 343.17.

3 ~~(3) QUALIFICATIONS A PERSON MUST HAVE TO GET~~ ^{FOR OBTAINING} A LICENSE. An individual is
4 eligible for a license under this section if all of the following apply:

5 (a) The individual is at least 21 years of age.

6 (b) The individual does not have a physical disability that prevents him or her
7 from safely handling a weapon.

8 (c) The individual is not prohibited under federal law from possessing a firearm
9 that has been transported in interstate or foreign commerce.

10 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

11 (e) During the preceding 3 years, the individual has not been civilly committed
12 under s. 51.20 for being drug dependent.

13 (f) During the preceding 3 years, the individual has not been convicted for any
14 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
15 961 or of a federal law or a law of another state that is comparable to any provision
16 of ch. 961.

17 (g) The individual does not chronically and habitually use alcohol beverages or
18 other substances to the extent that his or her normal faculties are impaired. A person
19 is presumed chronically and habitually to use alcohol beverages or other substances
20 to the extent that his or her normal faculties are impaired if, within the preceding
21 3 years, any of the following applies:

22 1. The individual has been committed for involuntary treatment under s. 51.45
23 (13).

24 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

BILL**SECTION 14**

1 3. In 2 or more cases arising out of separate incidents, a court has found the
2 individual to have committed a drunk driving offense.

3 (h) The individual has done one of the following:

4 2. Successfully completed a National Rifle Association firearm training or
5 firearm safety [✓]course. *or class*

6 3. Successfully completed a firearm training or firearm [✓]safety course or class
7 conducted by an instructor certified either by the state in which the course [✓]was *or class*
8 conducted or by the National Rifle Association.

9 4. Successfully completed a firearm safety or firearm training course or [✓]class
10 that is available to the general public and that is offered by a law enforcement agency,
11 a private or public school, institution, or organization, or a firearm training school,
12 if the course or class uses instructors certified by the National Rifle Association or
13 the department or if the curriculum meets the minimum requirements of the law
14 enforcement standards board.

15 5. Successfully completed a firearm safety or firearm training course [✓]or class
16 offered for law enforcement officers, correctional officers, special deputies, private
17 detectives licensed under s. 440.26, or other security or law enforcement personnel.

18 6. Participated in organized shooting competitions or military training that
19 gave the applicant experience with firearms that the sheriff determines is
20 substantially equivalent to any course or class specified in subds. 2. to 5.

21 (i) The individual has not been found incompetent under ch. 880 or, if the
22 individual has been found incompetent under ch. 880, he or she was subsequently
23 found to be competent and at least 5 years have elapsed from the date that he or she
24 was found to be competent.

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1 (j) The individual has not been involuntarily committed for treatment under
2 s. 51.20 due to mental illness or a developmental disability or, if the individual has
3 been involuntarily committed for treatment under s. 51.20 due to mental illness or
4 a developmental disability, he or she shows, through evidence from a psychiatrist
5 licensed in this state, that he or she has not been disabled due to mental illness or
6 a developmental disability for at least 5 years.

7 (k) The individual has not been found incompetent under s. 971.14 or, if the
8 individual has been found incompetent under s. 971.14, one of the following applies:

9 1. He or she was subsequently found to be competent and at least 5 years have
10 elapsed from the date that he or she was found to be competent.

11 2. He or she was not subsequently found to be competent and he or she shows,
12 through evidence from a psychiatrist licensed in this state, that he or she has not
13 been disabled due to mental illness or a developmental disability for at least 5 years.

14 (L) The individual has not been found not guilty by reason of mental
15 disease or defect under s. 971.17 or, if the individual has been found not guilty by
16 reason of mental disease or defect under s. 971.17, he or she presents evidence from
17 a psychiatrist licensed in this state that he or she has not been disabled due to mental
18 illness or a developmental disability for at least 5 years.

19 (m) Within the preceding 3 years, the individual was not convicted of a
20 misdemeanor crime of violence or was not serving a sentence, on probation, or subject
21 to a dispositional order under ch. 938 for committing a misdemeanor crime of
22 violence.

23 (n) The individual has not been charged with a felony or a misdemeanor crime
24 of violence for which the prosecution was suspended under a deferred prosecution
25 agreement unless 3 years have elapsed since the charge was dismissed.

✓
date of the agreement

BILL**SECTION 14**

1 (o) The individual is not the subject of any pending civil or criminal case, the
2 disposition of which could disqualify him or her from having a license under this
3 subsection.

4 (p) The individual has not previously submitted an application for a license
5 under this section to any county and had the application denied, unless each reason
6 for the denial is no longer applicable because of changed circumstances.

7 (q) The individual has not had a license that was issued under this section
8 revoked, unless each reason for the revocation is no longer applicable because of
9 changed circumstances.

10 (r) The individual has not been convicted of a violation of sub. (17) (c), (d), or
11 (e).

12 (s) The individual is a Wisconsin resident.

13 (5) APPLICATION AND RENEWAL FORMS. The department shall design an
14 application form for use by individuals who apply for a license under this section and
15 a renewal form for use by individuals applying for renewal of a license under sub.

16 ✓ (15). The department shall complete the design of the application form no later than
17 the first day of the 4th month beginning after the effective date of this subsection

18 [revisor inserts date], and shall distribute the designs for both forms to any sheriff
19 who issues licenses under sub. (2) (a) or (c) for use in making the application forms
20 and the license renewal forms described in this section. The forms designed by the
21 department under this subsection shall require the applicant to provide his or her
22 name, address, date of birth, race, gender, height, weight, and hair and eye color and
23 shall include all of the following:

24 (e) A statement that the applicant is eligible for a license if the requirements
25 specified in sub. (3) are met.

BILL

1 (f) A statement explaining the privilege of self-defense and defense of others
2 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
3 he or she has read and understands the statement.

4 (g) A statement that the applicant has received a copy of this section and
5 understands the requirements of this section.

6 (h) A statement that the application is being made under oath and that an
7 applicant may be prosecuted if he or she gives a false answer to any question on the
8 application or submits a falsified document with the application.

9 (i) A statement of the penalties for giving a false answer to any question on the
10 application or submitting a falsified document with the application.

11 (6) OATH. An applicant shall swear under oath that the information that he or
12 she provides in an application submitted under sub. (7) and any document submitted
13 with the application is true and complete to the best of his or her knowledge.

14 (7) SUBMISSION OF APPLICATION. An individual may apply for a license under this
15 section with any sheriff. An applicant shall submit all of the following to the sheriff
16 ^{through} ~~to~~ whom he or she is applying for a license:

17 (a) An application in the form prescribed under sub. (5) that has been sworn
18 to as required under sub. (6).

19 (bd) A license fee set by the sheriff issuing the license that does not exceed
20 either the cost to the sheriff of issuing a license to an individual under this section,
21 including the cost of equipment purchase or rental, or \$75, whichever is less.

22 (bh) The fee for a firearms restrictions record search specified in sub. (9g) (c).

23 (bp) A shooting range improvement fee of \$15.

24 (bt) A law enforcement excellence fund fee of \$15.

BILL**SECTION 14**

1 (d) A photocopy of a certificate or other evidence showing the applicant's
2 qualifications under sub. (3) (h).

3 (e) A full-face photograph of the applicant taken within the 30-day period
4 immediately preceding the date of the applicant's application.

5 (9) PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
6 under sub. (7), a sheriff shall request the department to conduct a firearms
7 restrictions record search, as provided under sub. (9g).

8 (b) Subject to par. (c), within 21 days after receiving an application under sub.
9 (7), a sheriff shall do one of the following:

10 1. Issue the license.

11 2. Deny the application if the applicant fails to qualify under the criteria
12 specified in sub. (3). If the sheriff denies the application, he or she shall inform the
13 applicant in writing, stating the ^{reason} ~~ground~~ ^{the} for denial.

14 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
15 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
16 sheriff has received a confirmation number regarding the firearms restrictions
17 record search under sub. (9g) (b) 1. from the department, unless the department has
18 notified the sheriff that the background check does not indicate that the applicant
19 is disqualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
20 ^{or} ~~and~~ [✓] (r).

21 (9g) FIREARMS RESTRICTIONS RECORD SEARCHES. (a) A sheriff shall request the
22 department to conduct a firearms restrictions record search by calling the
23 department, using a toll-free telephone number provided by the department, and
24 providing the department with the name, date of birth, gender, and race of the
25 applicant.

BILL

1 (b) ^{Upon} ~~On~~ receiving a request under par. (a), the department shall conduct a
2 firearms restrictions record search using the following procedure:

3 1. The department shall provide the sheriff with a confirmation number
4 confirming the receipt of the information under par. (a).

5 2. The department shall conduct the firearms restrictions record search
6 regarding an applicant for a license under this section. In conducting a search under
7 this subdivision, the department shall use the transaction information for
8 management of enforcement system and the national crime information center
9 system.

10 3. The department shall notify the sheriff, either during the initial telephone
11 call or as soon thereafter as practicable, of the results of the firearms restrictions
12 record search as follows:

13 a. If the search indicates that the applicant does not qualify for a license under
14 sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall provide
15 the sheriff with a unique nonapproval number. The department shall disclose to the
16 sheriff the reason the applicant does not qualify for a license under sub. (3) (c), (d),
17 (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

18 b. If the search does not indicate that the applicant is disqualified for a license
19 under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall
20 provide the sheriff with a unique approval number.

21 c. If the search indicates ^{that the applicant was the subject of} a criminal charge ~~without a~~ recorded disposition ^{for which there is no} ~~the~~
22 ~~deadline under sub. (9)(c) is extended to the end of the 3rd complete working day~~
23 ~~commencing after the day on which the department learns of that charge.~~ The
24 department shall notify the sheriff of the extension as soon as practicable. During
25 the extended period, the department shall make ^{all} ~~every~~ reasonable effort ^s ~~to~~ determine

7 -
and the ~~every~~ day time period
described in sub. (9)(c) has not yet run,
that time period is extended by 72 hours

BILL**SECTION 14**

1 the disposition of ~~the~~ charge) and notify the sheriff of the results as soon as
2 practicable. *a* *shall* *of its efforts*

3 (bm) The department shall conduct the search under par. (b) immediately if,
4 when requesting the search under par. (a), the sheriff informs the department that
5 the search is for an applicant for an emergency license under sub. (9r).

6 (c) The department shall charge a sheriff a fee of \$8 for each firearms
7 restrictions record search that the sheriff requests under par. (a), except that the
8 department shall waive the fee if, when requesting the search, the sheriff informs
9 the department that the fee is being waived under sub. (9r) *(d)*. The sheriff shall
10 collect the fee from the applicant unless the fee is waived under sub. (9r) *(d)*.

11 (d) A sheriff shall maintain the original record of all completed application
12 forms and a record of all confirmation numbers and corresponding approval or
13 nonapproval numbers that he or she receives regarding firearms restrictions record
14 searches under this subsection. The sheriff shall mail a duplicate copy of each
15 completed application form to the department.

16 (e) 1. The department shall check each duplicate application form received
17 under par. (d) against the information recorded by the department regarding the
18 corresponding request for a firearms restrictions record search under this
19 subsection. If the department previously provided a unique approval number
20 regarding the request and nothing in the duplicate completed application form
21 indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (f), (g)
22 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall, except as provided in subd.
23 2., destroy all records regarding that firearms restrictions record search within 30
24 days after receiving the duplicate form. If the department previously provided a
25 unique approval number regarding the request and the duplicate completed

BILL

1 application form indicates that the applicant is not qualified for a license under sub.
2 (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department shall immediately
3 notify the sheriff who issued the license, and the sheriff shall revoke the license.

4 2. The department may maintain records necessary to administer this
5 subsection and, for a period of not more than 3 years after the department issues a
6 unique approval number, a log of dates of requests for firearms restrictions record
7 searches under this subsection together with confirmation numbers and unique
8 approval and nonapproval numbers corresponding to those dates.

9 (9r) EMERGENCY LICENSE. (a) A sheriff may issue a license under this section
10 to an individual who does not satisfy the requirements under sub. (3) (h) if the sheriff
11 determines that immediate licensure is warranted to protect the individual from
12 death or great bodily harm, as defined in s. 939.22 (14).

13 ~~(b)~~ If a sheriff ^{who} issues a license under ~~par. (a)~~, he or she shall notify the
14 department and request an immediate firearms restrictions record search under
15 sub. (9g).

16 ^b ~~(c)~~ 1. Except as provided in subds. 2. and 3., a license issued under par. (a) is
17 valid for 120 days from the date on which it is issued and may not be renewed.

18 2. If the department does not notify the sheriff that the individual does not
19 qualify for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r)
20 and if the individual satisfies the requirement under sub. (3) (h) no later than 120
21 days from the date on which the license is issued, a license issued under par. (a) is
22 valid for the period specified under sub. (15) (a) and may be renewed under sub. (15).

23 (b).

NO Unless the sheriff knows that the person
is not qualified for a license under
sub. (3) (a) to (g) or (i) to (5) ^{letter} ~~(5)~~,

BILL**SECTION 14**

1 ③ If the department notifies the sheriff that an individual to whom the sheriff
2 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),
3 (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

4 (d) A sheriff may waive the fees that would otherwise be required under subs.
5 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
6 under par. (a) if requiring the individual to pay the fees would create a hardship for
7 the individual.

8 (10) EXEMPTION FROM BACKGROUND CHECK. Notwithstanding sub. (9) (a), a
9 sheriff shall issue a license under this section to any of the following individuals
10 without requesting the background check required under sub. (9) (a):

11 (a) A law enforcement officer.

12 (b) A correctional officer.

13 (c) A probation, parole, and extended supervision agent.

14 (d) A person who holds a current certification from the law enforcement
15 standards board under s. 165.85 (3) (c).

16 (11) LICENSEE INFORMATION. (a) A sheriff who issues licenses to carry a
17 concealed weapon under this section shall, within 5 days after issuing a license,
18 notify the department that he or she has issued a license under this section and
19 provide the department with the information specified in sub. (2m) (c) ✓ concerning the
20 individual to whom the license was issued. (b)

21 (am) The department shall maintain a computerized record listing the names
22 of all individuals who have been issued a license under this section along with the
23 information concerning each individual that is provided to the department by a
24 sheriff under par. (a). After entering the information that it receives under par. (a),
25 the department may not store, maintain, format, sort, or access the information in

BILL

1 any way other than by the name of the licensee or the identification number assigned
2 to the licensee under sub. (2m) ^{✓ b} (6) 8.

3 (c) The department and any sheriff issuing licenses under this section shall
4 provide information concerning a specific licensee to a law enforcement agency if the
5 law enforcement agency is requesting the information for any of the following
6 purposes:

7 1. To confirm that a license produced by an individual at the request of a law
8 enforcement officer is valid.

9 2. To confirm that the individual holds a valid license under this section, if the
10 individual is carrying a concealed weapon but is not carrying a license issued under
11 this section and claims to hold a valid license issued under this section.

12 3. To investigate whether an individual intentionally falsely swore under sub.
13 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
14 statement to a sheriff in connection with the individual's request for an emergency
15 license under sub. (9r).

16 (d) 1. In this paragraph, "clerk" means the clerk of the circuit court or, if it has
17 enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for
18 a federally recognized American Indian tribe or band in this state, a city, a village,
19 or a town.

20 2. The clerk shall immediately notify the department of the name of any
21 individual with respect to whom any of the following occurs and the specific reason
22 for the notification:

23 a. The individual is charged with a felony, a misdemeanor crime of violence, a
24 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
25 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any

BILL**SECTION 14**

1 other crime that, upon conviction, would disqualify the individual from having a
2 license under this section.

3 b. The individual is charged with a drunk driving offense.

4 c. The individual is found by a court to have committed any offense described
5 in subd. 2. a. or b.

6 d. Prosecution of a felony or a misdemeanor crime of violence for which the
7 individual is charged is suspended under a deferred prosecution agreement.

8 e. The individual is found incompetent under s. 971.14.

9 f. The individual is found not guilty of any crime by reason of mental disease
10 or mental defect under s. 971.17.

11 g. The individual is involuntarily committed for treatment under s. 51.20 or
12 51.45.

13 h. The individual is found incompetent under ch. 880.

14 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
15 or is ordered not to possess a firearm under s. 813.125 (4m).

16 j. A court has prohibited the individual from possessing a dangerous weapon
17 under s. 969.02 (3) (c).

18 3. Upon receiving a notice under subd. 2., the department shall immediately
19 determine if the individual who is the subject of the notice is a licensee, using the list
20 maintained under par. (am). If the department determines that the individual is a
21 licensee, the department shall immediately inform the sheriff of the county that
22 issued the license of the individual's name and the basis for the notice under subd.
23 2.

24 (12) UPDATED INFORMATION. (a) Within 10 days after being charged under
25 federal law or the law of another state with any crime or any drunk driving offense,

BILL

1 a licensee shall notify the sheriff of the county that issued his or her license of the
2 charge.

3 (b) No later than 30 days after changing his or her address, a licensee shall
4 inform the sheriff of the county that issued the license of his or her new address. The
5 sheriff shall provide the individual's new address to the department for inclusion in
6 the list under sub. (11) (am).

7 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
8 license or after his or her license is destroyed, a licensee shall submit to the sheriff
9 of the county that issued the license a notarized statement that his or her license has
10 been lost or destroyed. The sheriff shall issue a replacement license upon receiving
11 the notarized statement and a replacement license fee of \$15.

12 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) A sheriff shall revoke a license
13 that his or her county issued under this section if the licensee no longer meets all of
14 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

15 (am) 1. If any of the following occurs with respect to a licensee, the sheriff of
16 the county that issued the license shall suspend the licensee's license:

17 a. The licensee is the subject of a pending civil or criminal case, the disposition
18 of which could require revocation of his or her license under par. (a).

19 b. A court has prohibited the licensee from possessing a dangerous weapon
20 under s. 969.02 (3) (c).

21 2. If the sheriff suspends a license under subd. 1., he or she shall restore the
22 license if, upon disposition of the case, the person to whom the license was issued
23 meets all of the criteria specified in sub. (3).

24 (b) 1. If a sheriff revokes or suspends a license under this section, the revocation
25 or suspension shall take effect immediately.

BILL

SECTION 14

A sheriff who
 2. ~~May~~ ⁵ ~~an individual whose license is suspended or revoked~~ ⁵ ~~resides in the county~~ ⁵ ~~section~~ ⁵ ~~that issued the license, the sheriff of the county, upon revoking or suspending the individual's license, shall immediately attempt to inform the individual in person.~~ ⁵ ~~If the individual resides in a county that is a party to an agreement under sub. (2) (c), the sheriff of any county that is a party to the agreement shall immediately attempt to inform the individual in person. If an individual is notified of the revocation or suspension in person, the individual shall immediately relinquish the license document to the sheriff. If the sheriff is unable to inform the individual in person, or if the individual resides in a county other than the sheriff's county or a county that is a party to an agreement under sub. (2) (c) with the sheriff's county, the~~ ⁵ ~~sheriff shall send the individual notice of the revocation or suspension by certified mail within one day after the revocation or suspension. Within 7 days after receiving the notice, the individual whose license has been revoked or suspended shall deliver the license document personally or by certified mail to the sheriff.~~ ⁵ ~~(14m) APPEALS. (a) A person aggrieved by any action by a sheriff denying~~ ⁵ ~~suspending or~~ ⁵ ~~revoking or suspending~~ ⁵ ~~a license under this section may appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit court of the county of issuance designated under sub. (2) (c).~~ ⁵ ~~(b) To begin an appeal under this subsection, the aggrieved person shall file a petition for review with the clerk of the applicable circuit court within 30 days after the date of the sheriff's action or, if applicable, within 30 days after the date of the notice provided to the person under sub. (9) (b) 2. The petition shall state the substance of the sheriff's action that the person is appealing from and the grounds upon which the person believes the sheriff's action to be improper. The petition may~~

that issued the license, the sheriff of the county, upon revoking or suspending the individual's license, shall immediately attempt to inform the individual in person.

If the individual resides in a county that is a party to an agreement under sub. (2) (c), the sheriff of any county that is a party to the agreement shall immediately attempt to inform the individual in person. If an individual is notified of the revocation or suspension in person, the individual shall immediately relinquish the license document to the sheriff. If the sheriff is unable to inform the individual in person, or if the individual resides in a county other than the sheriff's county or a county that is a party to an agreement under sub. (2) (c) with the sheriff's county, the

sheriff shall send the individual notice of the revocation or suspension by certified mail within one day after the revocation or suspension. Within 7 days after receiving the notice, the individual whose license has been revoked or suspended shall deliver the license document personally or by certified mail to the sheriff.

(14m) APPEALS. (a) A person aggrieved by any action by a sheriff denying suspending or revoking or suspending a license under this section may appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit court of the county of issuance designated under sub. (2) (c).

(b) To begin an appeal under this subsection, the aggrieved person shall file a petition for review with the clerk of the applicable circuit court within 30 days after the date of the sheriff's action or, if applicable, within 30 days after the date of the notice provided to the person under sub. (9) (b) 2. The petition shall state the substance of the sheriff's action that the person is appealing from and the grounds upon which the person believes the sheriff's action to be improper. The petition may

whose license has been suspended or revoked

an application for a license

BILL

1 include a copy of any records or documents that are relevant to the grounds upon
2 which the person believes the sheriff's action to be improper.

3 (c) A copy of the petition shall be served upon the sheriff either personally or
4 by registered or certified mail within 5 days after the person files his or her petition
5 under par. (b).

6 (d) The sheriff shall file an answer within 15 days after being served with the
7 petition under par. (c). The answer shall include a brief statement of the actions
8 taken by the sheriff, and a copy of any documents or records on which the sheriff
9 based his or her action shall be included with the answer when filed.

10 (e) The court shall review the petition, the answer, and any records or
11 documents submitted with the petition or the answer. The review under this
12 paragraph shall be conducted by the court without a jury and shall be confined to the
13 petition, the answer, and any records or documents submitted with the petition or
14 the answer, except that in cases of alleged irregularities in procedure by the sheriff
15 the court may take testimony that the court determines is appropriate.

16 (f) The court shall affirm the sheriff's action unless the court finds any of the
17 following:

- 18 1. That the sheriff failed to follow procedure prescribed under this section.
- 19 2. That the sheriff erroneously interpreted a provision of law and a correct
20 interpretation compels a different action.
- 21 3. That the sheriff's action depends on a finding of fact that is not supported
22 by substantial evidence in the record.

23 (g) The court's decision shall provide whatever relief is appropriate regardless
24 of the original form of the petition.

BILL

SECTION 14

(15) LICENSE EXPIRATION AND RENEWAL. (a) Except as provided in sub. (9r) ^b (e) 1., a license issued under this section is valid for a period of 5 years ^{from} after the date on which the license is issued unless the license is suspended or revoked under sub. (9g) (e) 1. (9r) (c) 3. [✓] or (14).

(b) The department shall design a form notice of expiration and shall distribute the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this paragraph. At least 90 days before the expiration date of a license issued under this section, the sheriff who issued the license shall mail to the licensee a notice of expiration and a form for renewing the license. The sheriff shall renew the license if, before the date the license expires, the licensee does all of the following:

1. Submits a renewal application on the form provided by the sheriff.

2. Submits a notarized affidavit swearing under oath that the information provided under subd. 1. is true and complete to the best of his or her knowledge and that he or she is qualified under sub. (3).

4. Pays all of the following:

a. A fee set by the sheriff that does not exceed ^{either} the cost to ^{the} a sheriff of renewing a license issued under this section, including the cost of equipment purchase or rental, [✓] or \$75, whichever is less

b. The fee for a firearms restrictions record search specified in sub. (9g) (c).

c. A shooting range improvement fee of \$15.

d. A law enforcement excellence fund fee of \$15.

(c) The sheriff shall request the department to conduct a firearms restrictions record search of a licensee as provided under sub. (9g) before renewing the licensee's license under par. (b).

BILL

1 (d) 1. Except as provided in subd. 2., if an individual submits an application
2 under par. (b) to renew an expired license he or she shall be assessed a late fee of \$15.

3 2. If an individual whose license has expired does not submit a renewal
4 application under par. (b) before 6 months after the expiration date, the license shall
5 permanently expire. An individual whose license has permanently expired may be
6 issued a new license if he or she applies for a license ~~as provided~~[✓] under sub. (7).

7 **(16) PROHIBITED ACTIVITY.** (a) Neither a licensee nor an out-of-state licensee
8 may carry a concealed weapon in any of the following places:

9 1. A place that has been declared a nuisance under ch. 823.

10 2. A police station, sheriff's office, or state patrol station. This subdivision does
11 not prohibit a peace officer who is acting within the scope of his or her employment
12 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
13 station.

14 3. A prison, jail, house of correction, or secured correctional facility.

15 4. A courthouse, except that a judge who is a licensee may carry a concealed
16 weapon in a courthouse in which he or she is presiding in court and may permit in
17 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
18 courthouse in which he or she is presiding in court.

19 5. A place at which a school, college, or professional athletic event is taking
20 place, unless the event is related to firearms and the licensee or out-of-state licensee
21 is a participant in the event.

22 6. A school administration building.

23 7. Any premises for which a Class "B" or "Class B" license or permit has been
24 issued under ch. 125, unless one of the following applies:

BILL**SECTION 14**

1 a. The licensee or the out-of-state licensee is a person described in s. 941.237
2 (3) (a), (b), (c), (cm), or (d).

3 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
4 possession of the handgun is described in s. 941.237 (3) (e) to (j).

5 8. An airport, unless the weapon is encased for shipment as baggage to be
6 transported by aircraft.

7 9. A place in which carrying the weapon is prohibited by federal law.

8 (b) Neither a licensee nor an out-of-state licensee may carry a handgun, as
9 defined in s. 175.35 (1) (b), in a school zone, as defined in s. 948.605 (1) (c), unless he
10 or she is not in or on the grounds of a school, as defined in s. 948.61 (1) (b), and one
11 of the following applies:

12 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

13 2. The individual has exited a motor vehicle and is encasing the handgun or
14 storing it in the motor vehicle.

15 3. The individual is traveling directly to his or her residence from his or her
16 place of employment or business or from a place outside of the school zone.

17 4. The individual is traveling directly to his or her place of employment or
18 business from another place of his or her employment or business, from his or her
19 residence, or from a place outside of the school zone.

20 5. The individual is traveling directly to a place outside of the school zone from
21 another place outside of the school zone, from his or her residence, or from his or her
22 place of employment or business.

23 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

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1 (c) Neither a licensee nor an out-of-state licensee may carry a weapon other
2 than a handgun, as defined in s. 175.35 (1) (b), on school premises, as defined in s.
3 948.61 (1) (c), unless he or she is a person described in s. 948.61 (3).

4 **(17) PENALTIES.** (a) A licensee or an out-of-state licensee who violates sub. (2g)
5 (b) or (c) or (16) (b) may be required to forfeit not more than \$25.

6 (b) A licensee or an out-of-state licensee who violates sub. (16) may be fined
7 not more than \$1,000 or imprisoned for not more than 90 days or both.

8 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
9 who intentionally makes a false statement to a sheriff in requesting or in connection
10 with the issuance of an emergency license under sub. (9r) shall be fined not less than
11 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

12 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
13 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

14 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
15 document to a sheriff who intentionally violates the requirements of that subdivision
16 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
17 not more than 9 months.

18 **(18) ACCESS TO RECORDS.** Records created or kept under this section by the
19 department or a sheriff, other than reports created under sub. (19) or records created
20 under sub. (20), are not subject to access under s. 19.35.

21 **(19) STATISTICAL REPORT.** (a) By February 1 of each year, a sheriff who is issuing
22 or renewing licenses under this section shall submit a statistical report to the
23 department indicating the number of licenses applied for, issued, denied, suspended,
24 and revoked under this section during the previous calendar year. For the licenses
25 denied, the report shall indicate the reasons for the denials and the part of the

BILL**SECTION 14**

1 application process during which the reasons for denial were discovered. For the
2 licenses suspended or revoked, the report shall indicate the reasons for the
3 suspensions and revocations.

4 (b) By March 1 of each year, the department shall submit a statistical report
5 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
6 reports submitted under par. (a) and that indicates the number of licenses applied
7 for, issued, denied, suspended, and revoked under this section during the previous
8 calendar year. For the licenses denied, the report shall indicate the reasons for the
9 denials and the part of the application process in which the reasons for denial were
10 discovered. For the licenses suspended or revoked, the report shall indicate the
11 reasons for the suspensions and revocations.

12 (20) LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses
13 under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall
14 establish a law enforcement excellence fund. All money received by a sheriff from
15 payments made under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance
16 with s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
17 subsection.

18 (b) A law enforcement excellence fund established under this subsection shall
19 be used to improve law enforcement services in the county and may not be used to
20 supplant or replace other funds otherwise available to the sheriff.

21 **SECTION 15.** 440.26 (3m) of the statutes is amended to read:

22 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall
23 promulgate rules relating to the carrying of dangerous weapons by a person who
24 holds a license or permit issued under this section or who is employed by a person
25 licensed under this section. The rules shall allow the person to carry a concealed

BILL

1 weapon as permitted under s. 175.50 if the person is licensed under that section and
2 shall meet the minimum requirements specified in 15 USC 5902 (b).

3 **SECTION 16.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
4 amended to read:

5 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
6 following, who goes armed with a concealed and dangerous weapon is guilty of a
7 Class A misdemeanor.;

8 **SECTION 17.** 941.23 (1) (a) of the statutes is created to read:

9 941.23 (1) (a) A peace officer.

10 **SECTION 18.** 941.23 (1) (b) of the statutes is created to read:

11 941.23 (1) (b) An individual holding a valid license under s. 175.50 or
12 authorized under the law of another state to carry a concealed weapon in that state,
13 if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (h).

14 **SECTION 19.** 941.23 (2) of the statutes is created to read:

15 941.23 (2) An individual formerly licensed under s. 175.50 whose license has
16 been ^{or} ~~revoked or~~ ^{or revoked} suspended under s. 175.50 (14) may not assert his or her refusal to
17 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
18 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
19 has complied with s. 175.50 (12).

20 **SECTION 20.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
21 amended to read:

22 941.235 (2) (intro.) This section does not apply to peace any of the following:

23 (a) Peace officers or armed forces or military personnel who go armed in the line
24 of duty or to any.

BILL**SECTION 20**

1 (b) Any person duly authorized by the chief of police of any city, village or town,
2 the chief of the capitol police or the sheriff of any county to possess a firearm in any
3 building under sub. (1).

4 **SECTION 21.** 941.235 (2) (c) of the statutes is created to read:

5 941.235 (2) (c) Any individual holding a valid license under s. 175.50 or
6 authorized under the law of another state to carry a concealed weapon as defined in
7 s. 175.50 (1) (h), if the firearm is a handgun, as defined in s. 175.35 (1) (b).

8 **SECTION 22.** 941.237 (3) (ct) of the statutes is created to read:

9 941.237 (3) (ct) An individual holding a valid license under s. 175.50 or
10 authorized under the law of another state to carry a concealed weapon in that state.

11 **SECTION 23.** 941.295 (2) (bm) of the statutes is created to read:

12 941.295 (2) (bm) Any individual holding a valid license under s. 175.50 or
13 authorized under the law of another state to carry a concealed weapon in that state.

14 **SECTION 24.** 946.32 (3) of the statutes is created to read:

15 946.32 (3) This section does not apply to offenses that may be prosecuted under
16 s. 175.50 (17) (c).

17 **SECTION 25.** 948.605 (2) (c) of the statutes is created to read:

18 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as
19 defined in s. 175.35 (1) (b), by an individual holding a valid license under s. 175.50
20 or authorized under the law of another state to carry a concealed handgun who is
21 carrying a concealed handgun as permitted under s. 175.50.

22 **SECTION 26.** 948.61 (3m) of the statutes is created to read:

23 948.61 (3m) This section does not apply to the possession of a weapon, as
24 defined in s. 175.50 (1) (h), other than a handgun by an individual holding a valid

BILL

1 license under s. 175.50 or authorized under the law of another state to carry a
2 concealed weapon who is carrying a concealed weapon as permitted under s. 175.50.

3 (END)

D-note
↓

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0128/2ins
MGD:.....

LRS - INSERTS
OUT OF ORDER

analysis INSERT a

10. ^{check A} Requires a person who applies for a license to carry a concealed weapon to pay an application fee, which may not exceed either the cost to the sheriff of issuing the license or \$75[✓], whichever is less.

analysis INSERT b

13. Grants immunity from liability to DOJ[✓] and its employees, sheriffs and their employees, and persons providing firearm training or safety classes for conduct undertaken in good faith under the bill.

INSERT 12/23

(c) The license document may not contain the licensee's social security number.

INSERT 16/18

^{NO}
shall complete the design of the renewal form no later than the first day of the 54th month beginning after the effective date of this subsection[✓].... [revisor inserts date]. The department ^{NO}

INSERT 22/7

(d) A person who has been issued a license under par. (a)[✓] may obtain a license under sub. (2)[✓] if he or she meets the qualifications specified under sub. (3)[✓] and completes the application process specified in sub. (7).[✓] A license issued to a person under par. (a)[✓] is void if the person is issued a license under sub. (2).[✓]

INSERT 32/20

(21) IMMUNITY. (a) The department[✓] and its employees and sheriffs and their employees are immune from liability arising from any act or omission under this section[✓], if done in good faith.

↓

INS 32/20

- 1 (b) A person providing a firearm safety or firearm training course or class in ✓
2 good faith to a licensee is immune from liability arising from any act or omission
3 related to the course or class. ✓

(end ins 32/20)

ASSEMBLY AMENDMENT 1, TO 2001 ASSEMBLY BILL 675

Inserts

February 19, 2002 - Offered by Representative GUNDERSON.

1 At the locations indicated, amend the bill as follows:

2 1. Page 30, line 23: after that line insert:

3 ~~SECTION 12d.~~ ^{VPA} 941.237 (1) (er) of the statutes is created to read:

4 ~~941.237(1)~~ ^{gm} (er) "Proprietor" means a person to whom a Class "B" or "Class B"
5 license or permit has been issued under ch. 125. ✓

6 ~~SECTION 12g.~~ 941.237 (3) (am) of the statutes is created to read:

7 941.237(3) (am) A person licensed to carry a concealed weapon under s. 175.50.

8 This paragraph does not apply if the person is on any premises for which a Class "B"

9 or "Class B" license or permit has been issued under ch. 125 if ^{Ch. c.} the sale of intoxicating
10 liquors or fermented malt beverages or both on those premises accounts for ^{not} more
11 than 50% of the proprietor's receipts from those premises. ✓

12 ~~END~~

INS
9/25 ✓

INS
30/4 ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0128/2dn

MGD:.....

jd

Mike:

Please note the following:

1. When I added the prohibition on social security numbers appearing on license documents, I edited other provisions of the same section to eliminate some unnecessary text.
2. In your March 14 ^①email, you asked about instances in which an applicant who is otherwise eligible is identified as having been the subject of a criminal charge for which there is no recorded disposition. Without any explicit "conditional proceed" language, the bill requires a sheriff to issue a license by day 21 if follow-up investigation does not disclose what happened in that case. See s. 175.50 (9) (b).[✓] If follow-up investigation — regardless of when it occurs — reveals that the applicant is ineligible, the sheriff must revoke the license under s. 175.50 (14) (a).[✓]
3. I added a clause at the beginning of s. 175.50 (9r) (a) to ensure that it would not be construed as permitting people who are not eligible for a standard license (except for those who are ineligible only because of their lack of training) from getting an emergency license. I also merged what was par. (b) with par. (a).[✓]

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0128/2dn
MGD:jld:jf

April 2, 2003

Mike:

Please note the following:

1. When I added the prohibition on social security numbers appearing on license documents, I edited other provisions of the same section to eliminate some unnecessary text.
2. In your March 14 e-mail, you asked about instances in which an applicant who is otherwise eligible is identified as having been the subject of a criminal charge for which there is no recorded disposition. Without any explicit "conditional proceed" language, the bill requires a sheriff to issue a license by day 21 if follow-up investigation does not disclose what happened in that case. *See* s. 175.50 (9) (b). If follow-up investigation — regardless of when it occurs — reveals that the applicant is ineligible, the sheriff must revoke the license under s. 175.50 (14) (a).
3. I added a clause at the beginning of s. 175.50 (9r) (a) to ensure that it would not be construed as permitting people who are not eligible for a standard license (except for those who are ineligible only because of their lack of training) from getting an emergency license. I also merged what was par. (b) with par. (a).

Michael Dsida
Legislative Attorney
Phone: (608) 266-9867